

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CORLISS LEE,
Plaintiff,

v.

METROPOLITAN LIFE INSURANCE
COMPANY,
Defendant.

Case No. [13-cv-05458-VC](#)

**ORDER GRANTING IN PART
DEFENDANTS MOTION FOR
SUMMARY JUDGMENT**

Re: Dkt. No. 40

On February 10, 2015 the Court granted in part Metlife's motion for summary judgment. Docket No. 57; *see also* Docket No. 40. In this Order, the Court concluded that, "with respect to Lee's claim for breach of the implied duty of good faith and fair dealing, there is no evidence in the record to support a contention that Metlife acted in bad faith." But because Lee had not yet been able to schedule the deposition of Patricia Sullivan, and because it appeared that Sullivan's deposition could conceivably provide evidence in support of Lee's claim that Metlife acted in bad faith in connection with the July 2012 denial, the Court denied Metlife's motion for summary judgment on that claim, "without prejudice to revisiting the issue at the pretrial conference." Docket No. 57.

Subsequently, Lee's counsel was able to depose Sullivan, and the parties have now briefed the issue whether Sullivan's deposition provides evidence to support Lee's claim that Metlife acted in bad faith. Sullivan's deposition testimony does not provide a sufficient basis by which a reasonable jury could conclude that Metlife acted in bad faith. Accordingly, the Court grants Metlife's motion for summary judgment on this claim.

IT IS SO ORDERED.

Dated: March 13, 2015



VINCE CHHABRIA
United States District Judge